

Message Text

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ACTION ARA-14

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CUSTOMS FOR O/I

E.O. 11652: N/A
TAGS: OGEN
SUBJECT: SMUGGLING OF GUNS INTO MEXICO

REF: CONF.STATE 070735

1. THE FOLLOWING IS MISSIONS LATEST ASSESSMENT OF ARMS SMUGGLING PROBLEM AS REQUESTED IN REFTEL. SUMMARY. IN JANUARY 1972 THE MEXICAN FEDERAL LAW ON FIREARMS AND EXPLOSIVES WAS ENACTED. THIS LAW GAVE THE SECRETARY OF DEFENSE VERY TIGHT REGULATORY AUTHORITY OVER THE MANUFACTURING, SALE, PURCHASE AND TRADE OF FIREARMS IN MEXICO. AS A RESULT, THE LEGAL ACQUISITION AND/OR IMPORTATION OF FIREARMS HAS BECOME DIFFICULT AND TIME CONSUMING, CREATING A SITUATION WHICH ENCOURAGES CONTRABAND IN ARMS AND AMMUNITION IN MEXICO. WHILE THE GOM EXPRESSES SOME CONCERN ABOUT THE ILLEGAL ARMS TRAFFIC, IT DOES NOT RECOGNIZE IT AS A THREAT TO NATIONAL SECURITY NOR AS A SIGNIFICANT PROBLEM IN ARMING INSURGENT, TERRORIST OR OTHER OUTLAW GROUPS. NO LARGE SCALE SMUGGLING RINGS HAVE OR ARE LIKELY TO SURFACE. RATHER,
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RELATIVELY SMALL QUANTITIES OF WEAPONS AND AMMUNITION ARE CONTINUOUSLY BEING SMUGGLED INTO MEXICO FROM THE U.S. FROM DIVERSE LEGAL AND ILLEGAL SOURCES DESTINED FOR MEXICAN CITIZENS FROM ALL WALKS OF LIFE, FREQUENTLY INCLUDING LAW ENFORCEMENT AND OTHER GOM OFFICIALS.

2. PAST MEETINGS WITH AG FLORES SANCHEZ AND THE DIRGEN

OF MEX/CUS HAVE REVEALED THAT THEY BELIEVE THE PROBLEM OF ARMS SMUGGLING HAS BEEN EXAGGERATED BY THE MEDIA. HOWEVER, THEIR ATTITUDE TOWARD ENFORCING THE ARMS CONTROL LAWS HAS BEEN POSITIVE AND AN ACTIVE EXCHANGE OF INTELLIGENCE HAS EXISTED FOR THE PAST TWO YEARS WITH THE CUSATT AT THIS POST. BI-WEEKLY LISTS OF ARMS AND AMMUNITIONS SEIZED IN THE REPUBLIC OF MEXICO CONTINUE TO BE FURNISHED BY THE MEXICAN AG'S OFFICE AND BY MEX/CUS. THESE LISTS ARE FORWARDED TO U.S. CUSTOMS HEADQUARTERS FOR APPROPRIATE INVESTIGATION AND TRACING IN COORDINATION WITH BATF. COOPERATION IN THIS REGARD WITH DEFENSA NACIONAL HAS BEEN VERY LIMITED. RELUCTANCE ON THE PART OF DEFENSA TO FURNISH UNRESTRICTED, DETAILED INFORMATION ON SEIZED WEAPONS, VIOLATORS, ARMS RELATED TERRORIST ACTIVITY, ETC., IS UNDERSTANDABLE IN VIEW OF NATIONAL SECURITY CONSIDERATIONS; HOWEVER AS THE RESPONSIBLE REGULATORY DEPARTMENT, THEY WOULD OTHERWISE BE THE LOGICAL COORDINATOR AND MAIN POINT OF CONTACT ON THIS ISSUE.

3. CURRENTLY THERE ARE NO FIREARMS MANUFACTURERS IN MEXICO OFFERING SALE TO THE PUBLIC. THE ONLY AMMUNITION MANUFACTURED AND AVAILABLE FOR SALE TO MEXICAN CITIZENS IS THE .22 CALIBER RIMFIRE CARTRIDGE AND SHOTGUN SHELLS IN .12, .16 AND .20 GAUGE. THE AMMUNITION CANNOT BE SOLD UNLESS THE PURCHASER PRESENTS HIS REGISTRATION FROM THE LIMITED OFFICIAL USE

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SECRETARY OF DEFENSE FOR THE FIREARM HE IS PURCHASING AMMUNITION FOR. INDUSTRIA MILITAR AND CARTUCHOS DEPORTIVOS DE MEXICO ARE THE TWO COMPANIES MANUFACTURING SMALL ARMS AMMUNITION AS WELL AS .45 AUTO, 7.62MM AND .30 CALIBER CARBINE ROUNDS FOR THE MEXICAN MILITARY. THE ONLY FIREARM COMMERCIALY MADE IN MEXICO AT THIS TIME IS THE F.A.L., A 7.62 CALIBER FULLY AUTOMATIC RIFLE. THIS WEAPON IS MANUFACTURED BY THE DEPARTMENT OF MILITARY INDUSTRIES FOR THE MEXICAN ARMY. AN ESTIMATED 5,000 TO 6,000 IS EXPECTED ANNUAL PRODUCTION.

4. ALL WEAPONS SEIZED BY MEXICAN LAW ENFORCEMENT OFFICIALS OR BY THE MEXICAN MILITARY ARE SUPPOSED TO BE EVENTUALLY TURNED OVER TO THE SECRETARY OF DEFENSE. THE MAJORITY OF THESE WEAPONS ARE USED BY THE GOM, HOWEVER, SOME THAT ARE NOT MAY BE SOLD TO INDIVIDUALS IN MEXICO AT AUCTIONS BY SEALED BID. THESE WEAPONS ARE REGISTERED AT THE TIME OF SALE. THERE IS NO OTHER FORMAL DISPOSAL SYSTEM OF FIREARMS. SEIZED WEAPONS REMAIN IN THE MILITARY ARMORY UNTIL THEY ARE SOLD OR OTHERWISE OFFICIALLY ISSUED.

5. SOME RECENT UNOFFICIAL PROPOSALS HAVE SUGGESTED:

A) COMPLETE PROHIBITION OF PRIVATE OWNERSHIP OF ALL FIREARMS IN MEXICO AND B) STANDARDIZING ISSUE OF WEAPONS TO ALL GOM'S SECURITY FORCES, EXPANDING THE AUTHORIZED LIST OF WEAPONS FOR OFFICIAL USE AND THEREBY REDUCING THE TYPES OF WEAPONS AVAILABLE TO NON-OFFICIAL MEXICAN CITIZENS. KEY ISSUES THAT POSSIBLE SHOULD BE ADDRESSED BY THE GOM ARE: 1. ESTABLISHING THEIR OWN DOMESTIC SUPPLY OF FIREARMS. 2. REALIZATION THAT MORE RESTRICTIVE LAWS WOULD ALSO BE CIRCUMVENTED. POPULAR U.S. MANUFACTURED HANDGUNS WILL BRING \$20,000.00 PESOS ON THE LOCAL MARKET. 3. FOCUSING ON THE PREVALENT DISREGARD FOR THE LAW, EVEN BY LAW ENFORCEMENT AND MILITARY PERSONNEL.

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MANY LAW ENFORCEMENT OFFICERS IN MEXICO ARE ARMED WITH CONTRABAND WEAPONS. THIS CAVALIER ATTITUDE OF CARRYING ONE'S PERSONAL WEAPON (AS OPPOSED TO OFFICIAL ISSUE) IS COMMON IN MEXICO AND IS A SOURCE OF PRIDE AMONG POLICEMEN. WHERE CLOSE WORKING RELATIONSHIPS EXIST BETWEEN MEXICAN AND U.S. LAW ENFORCEMENT OFFICERS, ASSISTANCE IS FREQUENTLY INFORMALLY REQUESTED (AND SOMETIMES GRANTED) IN OBTAINING WEAPONS AND AMMUNITION IN THE UNITED STATES. THERE IS NO LEGAL PROVISION FOR THIS TYPE OF TRANSACTION AND AS A RESULT SEVERAL MEXICAN LAW ENFORCEMENT AND MILITARY OFFICERS HAVE BEEN ARRESTED BY U.S. TREASURY AGENTS FOR VIOLATION OF THE ARMS EXPORT CONTROL ACT, AND THE GUN CONTROL ACT OF 1968. THIS IS OBVIOUSLY NOT A HEALTHY SITUATION, PARTICULARLY WHERE GOOD LIAISON IS ESSENTIAL TO CARRYING OUT INTERNATIONAL LAW ENFORCEMENT MISSIONS.

6. WHILE NO SEIZURES INVOLVING LARGE NUMBERS OF MILITARY TYPE WEAPONS HAVE BEEN VERIFIED IN MEXICO RECENTLY, THERE HAVE BEEN SEVERAL CASES BROUGHT TO OUT ATTENTION WHERE THE MFJP OR THE MEXICAN ARMY HAS SEIZED U.S. MANUFACTURED AUTOMATIC RIFLES IN CONJUNCTION WITH NARCOTICS ARRESTS. ALSO, STEPPED UP ENFORCEMENT BY MEX/CUS HAS RESULTED IN LIMITED OFFICIAL USE

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SEVERAL SEIZURES AND SOME ARRESTS INVOLVING U.S. CITIZENS ILLEGALLY TRANSPORTING ONE OR TWO SPORTING TYPE WEAPONS OR HANDGUNS. COMPLAINTS BY U.S. CITIZENS AFFECTED BY THIS TYPE OF ENFORCEMENT ACTION HAVE INCREASED, PARTICULARLY IN THE NUEVO LAREDO AREA. CITIZENS' COMPLAINTS HAVE ALLEGED A LACK OF INFORMATION ON MEXICAN ARMS REGULATIONS BY MEXICAN CONSULS IN THE U.S., AND FAILURE BY USG TO CIRCULATE INFORMATION REGARDING THE U.S. CITIZEN'S RESPONSIBILITIES FOR REPORTING THE EXPORTATION OF ARMS TO U.S. CUSTOMS UPON DEPARTING THE U.S.

7. THE U.S. CUSTOMS SERVICE, BEING CHARGED WITH ENFORCING THE ARMS EXPORT CONTROL ACT, MAINTAINS AN ACTIVE LIAISON WITH THE MFJP AND MEX/CUS THROUGH ITS ATTACHE OFFICE IN THIS EMBASSY. INTELLIGENCE IS CONSTANTLY SOLICITED ON SUSPECTED VIOLATIONS INVOLVING THE SMUGGLING OF ARMS OUT OF THE U.S. INTO MEXICO AND THE WILLINGNESS OF THE U.S. CUSTOMS SERVICE TO ASSIST IN INVESTIGATIONS SURFACED BY GOM AUTHORITIES HAD BEEN MADE VERY CLEAR. HOWEVER, TO DATE THERE HAVE BEEN VERY FEW REQUESTS FROM GOM AUTHORITIES FOR INVESTIGATIVE ASSISTANCE. U.S. CUSTOMS AND BATF HAVE ATTEMPTED TO KEEP U.S. GUN DEALERS AWARE OF ALL FIREARMS REGULATIONS INCLUDING THE PROHIBITION OF SALES TO NON-RESIDENTS OF THE U.S. WHO DO NOT COMPLY WITH THE ARMS EXPORT CONTROL ACT. IN SPITE OF THIS, VIOLATIONS CONTINUE, FREQUENTLY EMPLOYING U.S. CITIZENS AS INTERMEDIARY PURCHASERS FOR MEXICANS. OTHER OUTRIGHT VIOLATIONS INVOLVING KNOWLEDGABLE ILLEGAL SALES BY GUN DEALERS HAVE BEEN DETECTED THROUGH CONFIDENTIAL SOURCES AND AUDITS BY U.S. TREASURY AGENTS. ENFORCEMENT ACTION IN THESE CASES IS TAKEN IN THE U.S. WHEN POSSIBLE. ON SEVERAL OCCASIONS, THE IDENTITIES OF SUSPECT VIOLATORS HAVE BEEN PASSED TO GOM AUTHORITIES FOR INVESTIGATION AND/

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OR INTERDICTION, PARTICULARLY WHEN THE SUSPECTS HAVE BEEN MEXICAN NATIONALS. WE DO NOT ANTICIPATE REQUESTS FROM THE

GOM FOR ANY ADDITIONAL REMEDIAL ACTIONS BY THE U.S. AT
THIS TIME. LUCEY

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